

09-14-05

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PTO/SB/64 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
3139-6225.1US  
(ARC 2882 N1)

First named inventor: Brodbeck et al.

Application No.: 10/648,759

Group Art Unit: Unknown

Filed: August 25, 2003

Examiner: Unknown

Title: IMPLANTABLE GEL COMPOSITIONS AND METHODS OF MANUFACTURE

Attention:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Formal Drawings (6 sheets, 6 figures) (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

September 12, 2005

Date

  
Signature

Telephone  
Number: (801) 532-1922

Edgar R. Cataxinos

Typed or printed name

P.O. Box 2550

Address

Salt Lake City, UT 84110

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

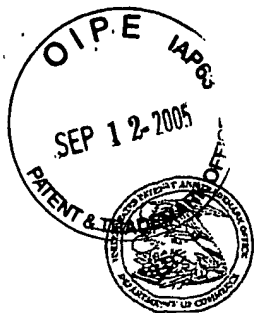
☒ Other : Copy of Notice of Abandonment; Copy of Notice to File Corrected Application Papers; Formal Drawings (6 sheets, 6 figures); Copy of Power of Attorney, Revocation of Prior Power of Attorney and Request to Change Correspondence Address with Statement Pursuant to 37 CFR 3.73

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994846145US

Date of Deposit with USPS: September 12, 2005

Person making Deposit: Steve Wong



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|-----------------------|
| 10/648,759         | 08/25/2003            | Kevin J. Brodbeck     | ARC 2882 N1           |

CONFIRMATION NO. 3721

ABANDONMENT/TERMINATION  
LETTER

\*OC000000016531021\*

27777  
PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

RECEIVED

JUL 18 2005

J&amp;J PAT. DKT. SECTION

Date Mailed: 07/14/2005

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/14/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

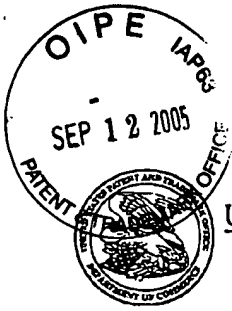
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*A copy of this notice **MUST** be returned with the reply.*

*Z. Moyses*

Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/648,759         | 08/25/2003             | Kevin J. Brodbeck     | ARC 2882 N1            |

27777  
PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

CONFIRMATION NO. 3721

## FORMALITIES LETTER



\*OC000000014091124\*

Date Mailed: 10/14/2004

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted.*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1.
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 1 "unreadable text".

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M - HAILE

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brodbeck et al.

Serial No.: 10/648,759

Filed: August 25, 2003

For: IMPLANTABLE GEL  
COMPOSITIONS AND METHODS OF  
MANUFACTURE

Confirmation No.: Unknown

Examiner: Unknown

Group Art Unit: Unknown

Attorney Docket No.: ARC 2882 US N1  
(3139-6225.1US)

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

May 23, 2005  
Date

*Denise Dyer*  
Signature

Denise Dyer  
Name (Type/Print)

**POWER OF ATTORNEY (37 C.F.R. 1.34(a)), REVOCATION OF PRIOR  
POWER OF ATTORNEY (37 C.F.R. 1.36) and REQUEST TO  
CHANGE CORRESPONDENCE ADDRESS (37 C.F.R. 1.33(d))  
with STATEMENT PURSUANT TO 37 C.F.R. 3.73**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As assignee of the entire interest in the above-identified application, all powers of attorney previously given herein are HEREBY REVOKED and the following attorneys are hereby appointed to prosecute and transact all business in the U.S. Patent and Trademark Office in connection herewith, and with all continuing and divisional applications hereof.

David V. Trask, Reg. No. 22,012  
William S. Britt, Reg. No. 20,969  
Laurence B. Bond, Reg. No. 30,549  
Joseph A. Walkowski, Reg. No. 28,765  
James R. Duzan, Reg. No. 28,393  
H. Dickson Burton, Reg. No. 48,396  
Allen C. Turner, Reg. No. 33,041  
Edgar R. Cataxinos, Reg. No. 39,931  
Kent S. Burningham, Reg. No. 30,453  
Brick G. Power, Reg. No. 38,581  
Kevin K. Johanson, Reg. No. 38,506  
Krista Weber Powell, Reg. No. 47,867  
Bretton L. Crockett, Reg. No. 44,632  
Tawni L. Wilhelm, Reg. No. 47,456  
Bradley B. Jensen, Reg. No. 46,801  
Andrew F. Nilles, Reg. No. 47,825  
Greg T. Warder, Reg. No. 50,208  
Katherine A. Hamer, Reg. No. 47,628  
Marcus S. Simon, Reg. No. 50,258  
Trent N. Butcher, Reg. No. 51,518  
G. Scott Dorland, Ph.D., Reg. No. 51,622  
Jeffery M. Michelsen, Reg. No. 50,978  
Johnson & Johnson Customer Number 27777

In accordance with 37 C.F.R. 1.33(d), please change the address for all purposes in connection with the above-identified patent and direct all communications to:

EDGAR R. CATAXINOS  
TRASKBRITT, PC  
P. O. Box 2550  
Salt Lake City, Utah 84110  
(801) 532-1922

Pursuant to 37 C.F.R. 3.73, the undersigned representative of the Assignee has reviewed the evidentiary documents, specifically:

1. The Assignment from Kevin J. Brodbeck, Shamim J. Pushpala and Steven J. Prestrelski to ALZA Corporation, recorded on June 8, 2000, at Reel 010908, Frame 0900;



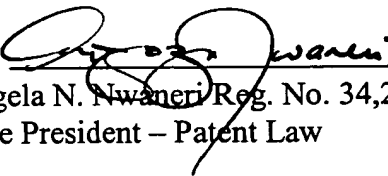
and certifies that to the best of her knowledge and belief, title remains in the name of ALZA Corporation as Assignee of record of the entire interest in the above-identified patent application.

The undersigned further avers that she is empowered to make and sign the foregoing certification on behalf of the Assignee, and to take the action set forth herein on behalf of the Assignee, pursuant to a resolution of its Board of Directors.

Respectfully submitted,

ALZA CORPORATION

Dated: 2/11/04

By:   
Angela N. Nwaneri Reg. No. 34,229  
Vice President – Patent Law

Document in ProLaw